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DECISION



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**THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20548**

FILE: B-191556

DATE: April 25, 1978

MATTER OF: Vail Associates, Inc.

DIGEST:

Protest filed more than 10 days after notice of adverse agency action is untimely and does not raise issues significant to procurement practice. Protester's asserted lack of knowledge of filing requirements is not good cause for consideration of untimely protest.

Vail Associates, Inc. (Vail) protests the award to another firm under solicitation No. 77-34 issued by the General Services Administration (GSA) to acquire 2,930 square feet of office and related space in Minicurn, Colorado.

Vail protested to GSA by letter dated February 21, 1978 contending that the agency improperly accepted a late "bid" from another firm, informed Vail that it was not the low "bidder" and offered to allow it to lower its "bid", erroneously allowed another "bidder" to alter its plans after "bid" opening and failed to consider concerns of local officials and citizens as required by the solicitation.

The agency replied by letter dated March 3, 1978 denying Vail's protest and indicating that it intended to proceed with award. On March 10 Vail was notified that an award was made to another firm. Vail's protest letter, dated March 24 was received by this Office on March 28 and raises issues similar to those contained in its original protest to GSA.

Vail's protest, which was not filed within 10 days of the formal notification on March 3 of adverse agency action, is untimely. 4 C.F.R. 20.2(a) (1977). In this regard, Vail contends that it was not aware of its right to protest to our Office. It is not relevant whether Vail is familiar with our Bid Protest Procedures since

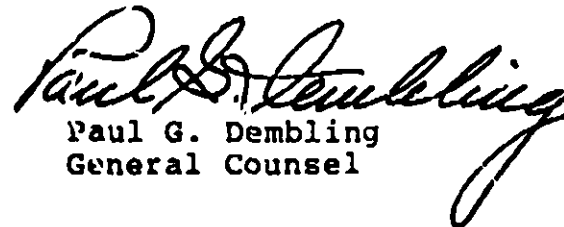
they have been published in the Federal Register (40 Fed. Reg. 17979, April 24, 1975) and protesters are charged with constructive notice of their provisions. Pennwalt Corporation, B-190351, November 21, 1977, 77-2 CPD 389.

Vail also urges that its protest be considered under Section 20.2(c) of our Bid Protest Procedures which provides that untimely protests may be considered if good cause is shown or the issues raised are significant to procurement practices or procedures.

A significant issue is one involving a procurement principle of widespread interest. Technology, Incorporated, B-190534, November 16, 1977, 77-2 CPD 379. All the issues raised, but that regarding the requirement that local officials be consulted, have been considered in many prior decisions of our Office involving a wide variety of factual situations. The remaining issue has significance only within the context of this particular procurement. Accordingly, we see no reason to regard the issues raised here as ones of widespread interest.

We have held that good cause as referred to in our Procedures pertains to some compelling reason beyond the protester's control which prevented it from filing a timely protest. R & O Industries, Inc., B-189837, December 23, 1977, 77-2 CPD 500. We are unaware of any such circumstances in this case.

The protest is dismissed.


Paul G. Dembling
General Counsel